

EXHIBIT A

NOTICE OF FAIR LABOR STANDARDS ACT LAWSUIT

Peter Sherman v. Plains All American GP LLC

Case No.: CV-17-01798-GMS

District of Arizona

I. INTRODUCTION:

Plaintiff Peter Sherman has filed a lawsuit against Plains All American GP LLC (“Plains”) alleging that Plains failed to compensate him for time spent donning and doffing personal protective equipment (PPE) and other time worked before and after his shift. Plains adamantly denies these allegations and contends it has compensated Plaintiff and others for all time worked. Plaintiff seeks to bring this action on a collective basis, and the purpose of this Notice is to inform you of the existence of this lawsuit in which you are potentially similarly situated to Plaintiff Sherman, to advise you of how your rights may be affected by this lawsuit, and to instruct on your option to opt in and become a plaintiff in this lawsuit.

II. DESCRIPTION OF THIS LAWSUIT:

Plaintiff Peter Sherman works at Plains’ Bumstead, Arizona LPG facility, and he brings this suit against Plains on behalf of himself and other current and former employees nationwide who he claims are similarly situated. The lawsuit alleges that employees are owed wages under the Fair Labor Standards Act (“FLSA”). Plaintiff alleges that the time he spent donning and doffing PPE was compensable and that he was not paid for this time and other time worked before and after his shift. Plaintiff seeks to recover damages, on behalf of himself and other current and former employees who he alleges spent time donning and doffing PPE and performing other work before and after their shifts without compensation, including back pay, pre- and post-judgment interest, liquidated damages, equitable relief, an award of reasonable attorneys’ fees, costs, and expenses, and such other relief as the Court may deem proper. Plains adamantly denies these allegations, denies that Plains is liable to the Plaintiff for any back pay, damages, costs, or attorneys’ fees sought, and contends it has compensated Plaintiff and others for all compensable time worked.

This lawsuit has been brought in the United States District Court for Arizona. This lawsuit is currently in the early pretrial stage. The Court has approved the mailing of this notice, but its approval of this notice does not signify any ruling or decision on the merits; to the contrary, Plaintiff and Plains agreed to this notice, and the Court has not ruled on the merits of the claims, which are disputed.

III. COMPOSITION OF THE COLLECTIVE ACTION CLASS:

The Plaintiff has brought suit on behalf of himself and those allegedly similarly situated to him who (1) were employed by Plains at any point during the period of time from [DATE 3 YEARS BEFORE MAILING DATE] to [MAILING DATE] and (2) who, as part of their responsibilities, were at least at one point during the pertinent period required to wear PPE as part of their job responsibilities. You are receiving this notice because Plains’ records indicate you are within this proposed group.

IV. YOUR LEGAL RIGHTS AND OPTIONS:

If you fit the class description above you may:

A. Take No Action and Do Not Sign Up to be a Plaintiff. By doing nothing, you will not forfeit your legal rights to bring a separate lawsuit against Plains for unlawful wage/hour violations. However, you will not be a plaintiff in this case. To participate in this case, you must affirmatively opt in and become one of the plaintiffs in this action. If you are not a plaintiff in this case, and money or benefits are awarded and/or paid later in the case, you will not share in them, but you will not be bound by any judgment in this case. If you do not join this action or file a lawsuit on your own, your FLSA claims could be barred by the running of the statute of limitations that allows plaintiffs to recover retrospectively for a period of two years, and in some cases, three years. The limitations period is calculated from the time you join this lawsuit or file a lawsuit on your own, and runs absent such action.

B. Become a Plaintiff in this case and Give up right to sue separately. If you wish to sign up and be a plaintiff in this case, then complete and return the attached Opt-In Consent Form with a postmark no later than [NOTICE RESPONSE DEADLINE], so that it may be filed with the Court to opt you into the case and join you as a plaintiff. It must be postmarked no later than [NOTICE RESPONSE DEADLINE] and mailed to:

Rust Consulting, Inc.
Re: Sherman Matter
[Address]

By “opting in,” you not only agree to be a plaintiff but you agree to be represented by Plaintiff Sherman and his counsel, you gain the possibility of getting money or benefits that may result from trial or settlement, and you agree to be bound by the Court’s judgment and which may result in you giving your right to separately sue Plains for the same remedies.

V. EFFECTS OF JOINING THIS LAWSUIT:

If you choose to join in this lawsuit, you will be bound by the Judgment entered by the Court in this case, through litigation or settlement, whether it is favorable or unfavorable. While this lawsuit is proceeding, you may be required to respond to written discovery requests, sit for depositions requiring testimony under oath, and/or testify in court requiring the same. The attorneys representing Plaintiff are being paid on a contingency basis, which means that if there is no recovery, there will be no attorneys’ fees. If there is a recovery, the attorneys for the class will receive a part of that recovery, or will seek an award of attorneys’ fees and costs from Plains. If you return the consent form attached to this Notice, you are agreeing to designate Plaintiff Sherman and the Law Offices of Bonnett, Fairbourn, Friedman & Balint, P.C. as your representative to make decisions on your behalf concerning the litigation and the method and manner of conducting the litigation. You are also agreeing to designate Plaintiff as your agent to make decisions on your behalf concerning the litigation, the method and manner of conducting this litigation, the entering of an agreement with Plaintiff’s counsel concerning attorneys’ fees and costs, and all other matters pertaining to this lawsuit. You agree that the decisions and agreements made and entered into by Plaintiff will be binding on you if you file a consent to join this lawsuit, including decisions relating to

the litigation of and potential settlement or resolution of this lawsuit. Further, you are agreeing that Law Offices of Bonnett, Fairbourn, Friedman & Balint, P.C. may seek an award of attorneys' fees and costs from Plains. Decisions and agreements made and entered into by the Plaintiff will be binding on you if you join this lawsuit. Furthermore, you can join this lawsuit by counsel of your own choosing. If you do so, your attorney must file an opt-in consent form within 45 days from the mailing of this Notice.

VI. EFFECT OF NOT JOINING THIS LAWSUIT:

If you choose not to join this lawsuit, you will not be bound by any judgment or settlement rendered in this case, whether favorable or unfavorable to the class. If you choose not to join this lawsuit, you are free to file your own lawsuit provided it is filed within the time period required by law.

VII. NO RETALIATION PERMITTED:

ALTHOUGH PLAINS WILL KNOW THE IDENTITIES OF ALL INDIVIDUALS WHO BECOME PLAINTIFFS, THE FLSA PRECLUDES RETALIATION OR DISCRIMINATION AGAINST ANY PERSON FOR OPTING INTO THE CASE AND BECOMING A PLAINTIFF.

VIII. EFFECT OF PAST RELEASE OR WAIVER:

If you have signed a release or waiver regarding any rights under the FLSA, you may still be eligible to participate in this litigation and may seek independent legal counsel or contact Plaintiff's counsel to further discuss your individual eligibility, if you choose.

IX. YOUR LEGAL REPRESENTATION IF YOU JOIN:

If you choose to join this lawsuit and agree to be represented by the named Plaintiffs through their attorney, your counsel in this action will be:

Ty D. Frankel, Esq.
Law Offices of Bonnett, Fairbourn, Friedman & Balint, P.C.
2325 E. Camelback Road, Suite 300
Phoenix, Arizona 85016
602-776-5966

Patricia N. Syverson, Esq.
Law Offices of Bonnett, Fairbourn, Friedman & Balint, P.C.
600 W. Broadway, Suite 900
San Diego, California 92101
602-776-5925

X. ADDITIONAL INFORMATION:

Further information about this Notice, the deadline for filing a consent to opt in, or questions concerning this lawsuit may be obtained by writing or phoning Rust Consulting, Inc. at [INSERT CONTACT INFORMATION].

XI. DEFENDANTS' COUNSEL'S CONTACT INFORMATION:

Defendants are represented in this matter by Munger, Tolles & Olson LLP and Osborn Maledon, P.A., whose contact information is:

Malcolm A. Heinicke
Joshua S. Meltzer
Munger, Tolles & Olson LLP
560 Mission Street
San Francisco, CA 94105

John L. Blanchard
William D. Furnish
Osborn Maledon, P.A.
2929 N. Central Avenue, Suite 2100
Phoenix, AZ 85012-2793

XII. FURTHER INFORMATION:

THIS NOTICE AND ITS CONTENTS HAVE BEEN AUTHORIZED BY THE
FEDERAL DISTRICT COURT, HONORABLE G. MURRAY SNOW. THE COURT
HAS TAKEN NO POSITION IN THIS CASE REGARDING THE MERITS OF THE
PLAINTIFF'S CLAIMS OR THE DEFENDANT'S DEFENSES.

EXHIBIT B

OPT-IN CONSENT FORM

Peter Sherman v. Plains All American GP LLC

Case No.: CV-17-01798-GMS

District of Arizona

I CONSENT TO OPT IN AND BECOME A PARTY PLAINTIFF IN THE ABOVE-CAPTIONED LAWSUIT IN ORDER TO SEEK REDRESS FOR ALLEGED VIOLATIONS OF THE FAIR LABOR STANDARDS ACT, 29 U.S.C. § 216 (B) AS DESCRIBED IN THE COMPLAINT ON FILE HEREIN AND THE COURT AUTHORIZED NOTICE THAT ACCOMPANIED THIS FORM. I CONSENT TO BE BOUND BY ANY SETTLEMENT OR JUDGMENT OF THIS ACTION.

I UNDERSTAND THAT THIS OPT IN FORM WILL BE FILED IN THE PUBLIC RECORD IN THIS CASE, AND I UNDERSTAND THAT I WILL BE A PLAINTIFF IN THIS MATTER AGAINST PLAINS ALL AMERICAN GP LLC.

I UNDERSTAND I MAY BE REQUIRED TO RESPOND TO WRITTEN DISCOVERY REQUESTS AND/OR TESTIFY UNDER OATH. I ALSO UNDERSTAND I AM AGREEING TO DESIGNATE PLAINTIFF SHERMAN AND THE LAW OFFICES OF BONNETT, FAIRBOURN, FRIEDMAN & BALINT, P.C. AS MY REPRESENTATIVE AND TO MAKE DECISIONS ON MY BEHALF CONCERNING THE LITIGATION. I UNDERSTAND THAT THE DECISIONS AND AGREEMENTS MADE AND ENTERED INTO BY PLAINTIFF WILL BE BINDING ON ME, INCLUDING DECISIONS RELATED TO THE LITIGATION AND POTENTIALLY THOSE RELATED TO SETTLEMENT OR RESOLUTION OF THIS LAWSUIT.

I AFFIRM THAT I WORKED AS AN EMPLOYEE OF PLAINS BETWEEN [DATE 3 YEARS BEFORE MAILING DATE] AND [MAILING DATE] AND THAT, AS PART OF MY RESPONSIBILITIES, I WAS AT LEAST AT ONE POINT REQUIRED TO WEAR PERSONAL PROTECTIVE EQUIPMENT (aka "PPE") DURING THE THREE-YEAR PERIOD LISTED ABOVE.

Dated: _____

Name: _____

Signature: _____

Address: _____

Telephone number: _____

Email address: _____

RETURN TO RUST CONSULTING NO LATER THAN [NOTICE RESPONSE DEADLINE]

Rust Consulting Inc.

RE: Sherman Matter

[ADDRESS]